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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,406	08/01/2003	Clifford H. Kraft		2935

7590 09/26/2005
Clifford Kraft
320 Robin Hill Dr.
Naperville, IL 60540

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,406

Applicant(s)

KRAFT, CLIFFORD H.

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9, 10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 10, 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-5, 7, 9, 10, and 12-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, independent claims 1, 7, 10, 13, and 17 have been amended to include that the user is able to block location their handset for a time duration determined by said user. This feature is not disclosed in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 9, 10, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, US Patent Application Publication Number 2003/0236095

Art Unit: 2681

(hereinafter Ross) in view of Rice et al., US Patent Application Number 2003/0023726 (hereinafter Rice).

Regarding claim 1, Ross discloses a telephone location system comprising: an assisted GPS telephone handset; a telephone service provider providing assisted GPS telephone location services in communication with said handset; a consumer location service facility accepting a request from a consumer to locate a particular cellular handset, said consumer location service facility cooperating with said telephone service provider to determine a telephone handset location of said particular telephone handset, said consumer location facility then communicating said telephone handset location to said consumer [paragraphs 0004, 0025, 0053, 0058].

What Ross does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Ross and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Ross to include Rice. The motivation for this combination would have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 2, Ross discloses the telephone handset location is returned to said consumer by verbal description [paragraph 0053].

Regarding claim 3, Ross discloses said telephone handset location is supplied to said consumer by means of a map [paragraph 0019].

Regarding claim 4, Ross discloses said consumer location facility communicates with said consumer by Internet [paragraph 0053].

Regarding claim 5, Ross discloses said consumer location facility returns a longitude and latitude to said consumer [paragraph 0028].

Regarding claim 7, Ross discloses a method for providing consumers a telephone handset location comprising: requesting a telephone handset location from a consumer service facility; said consumer service facility requesting an assisted GPS service provider for a location of said handset; said assisted GPS service provider determining the location of said handset, said assisted GPS service provider communicating the location of said handset to said consumer facility; receiving by the consumer the location of said handset from said consumer service facility [paragraphs 0004, 0025, 0053, 0058].

What Ross does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Ross and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Ross to include Rice. The motivation for this combination would

Art Unit: 2681

have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 9, Ross discloses said request is via the Internet [paragraph 0053].

Regarding claim 10, Ross discloses a consumer service that provides locations of mobile telephones on demand from consumers for a fee, said consumer service comprising a means for communicating a consumer request for location of a mobile telephone to a mobile telephone service provider; a means for receiving back from said mobile telephone service provider a position of said mobile telephone; a means for converting said position to a relational position; means for providing said relational position of said mobile telephone to a consumer [paragraphs 0004, 0025, 0053, 0058].

What Ross does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Ross and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Ross to include Rice. The motivation for this combination would have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 12, Ross discloses said mobile telephone service provider uses assisted GPS to determine a longitude and latitude of said mobile telephone [paragraph 0028].

Regarding claim 20, Ross discloses the telephone service provider and said consumer location service facility are a single entity [paragraphs 0032, 0053].

5. Claims 1, 4, and 7, 9, 10, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle et al., US Patent Application Publication Number 2003/0035544 (hereinafter Herle) in view of Rice.

Regarding claim 1, Herle discloses a telephone location system comprising: an assisted GPS telephone handset; a telephone service provider providing assisted GPS telephone location services in communication with said handset; a consumer location service facility accepting a request from a consumer to locate a particular cellular handset, said consumer location service facility cooperating with said telephone service provider to determine a telephone handset location of said particular telephone handset, said consumer location facility then communicating said telephone handset location to said consumer [paragraphs 0024, 0026, 0027, 0052; abstract].

What Herle does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Herle and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication

Art Unit: 2681

devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Herle to include Rice. The motivation for this combination would have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 4, Herle discloses said consumer location facility communicates with said consumer by Internet [abstract].

Regarding claim 7, Herle discloses a method for providing consumers a telephone handset location comprising: requesting a telephone handset location from a consumer service facility; said consumer service facility requesting an assisted GPS service provider for a location of said handset; said assisted GPS service provider determining the location of said handset, said assisted GPS service provider communicating the location of said handset to said consumer facility; receiving by the consumer the location of said handset from said consumer service facility [paragraphs 0024, 0026, 0027, 0052; abstract].

What Herle does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Herle and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Herle to include Rice. The motivation for this combination would

have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 9, Herle discloses said request is via the Internet [abstract].

Regarding claim 10, Herle discloses a consumer service that provides locations of mobile telephones on demand from consumers for a fee, said consumer service comprising a means for communicating a consumer request for location of a mobile telephone to a mobile telephone service provider; a means for receiving back from said mobile telephone service provider a position of said mobile telephone; a means for converting said position to a relational position; means for providing said relational position of said mobile telephone to a consumer [paragraphs 0024, 0026, 0027, 0052; abstract].

What Herle does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Herle and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Herle to include Rice. The motivation for this combination would have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Art Unit: 2681

Regarding claim 12, Herle discloses said mobile telephone service provider uses assisted GPS to determine a longitude and latitude of said mobile telephone [paragraph 0026].

Regarding claim 20, Herle discloses the telephone service provider and said consumer location service facility are a single entity [paragraph 0052].

6. Claims 13, 14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiwa et al., US Patent Application Publication Number 2002/0156646 (hereinafter Kaiwa) in view of Rice.

Regarding claim 13, Kaiwa discloses a method of providing consumers with a current location of a cellular telephone where a consumer service bureau communicates with a plurality of mobile service providers comprising the steps of: a consumer requesting from the consumer service bureau a current location of a particular mobile telephone by providing a telephone number of the mobile telephone to the consumer service bureau, whereby the consumer agrees to pay a first predetermined fee to the consumer service bureau for this service; the consumer service bureau determining which mobile telephone provider owns the telephone number provided by the consumer; the consumer service bureau requesting from the determined mobile telephone provider the location of the particular mobile telephone, whereby the consumer service bureau agrees to pay a second predetermined fee for this service to the mobile telephone provider; the mobile telephone provider placing a location request into its telephone system to locate the particular mobile telephone; the mobile telephone

Art Unit: 2681

provider returning a position of the particular mobile telephone to the consumer service bureau; the consumer service bureau translating the returned position of the particular mobile telephone to a relational format if not in relational format; the consumer service bureau returning the position of the particular mobile telephone to the consumer [paragraphs 0007-0017, 0065, 0094-0097].

What Kaiwa does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Kaiwa and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Kaiwa to include Rice. The motivation for this combination would have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 14, Rice discloses returning an error message to the consumer service bureau if the particular mobile telephone cannot be located or location has been blocked [paragraph 0060].

Regarding claim 17, Kaiwa discloses a telephone location system comprising a plurality of mobile service telephone providers pooling location services wherein a consumer could request at least one of said providers to locate a particular mobile telephone and said provider could communicate with any other of said providers to

locate said mobile telephone and return a location of the telephone to said consumer [paragraphs 0007-0017, 0065, 0094-0097].

What Kaiwa does not specifically disclose is that the user is able to block location of their handset for a time duration determined by said user. However, Rice teaches this limitation [paragraphs 0006, 0008].

Kaiwa and Rice are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Kaiwa to include Rice. The motivation for this combination would have been to allow the user privacy control, as suggested by Rice [paragraphs 0006, 0008].

Regarding claim 18, Kaiwa discloses at least one of said service providers charges said consumer a fee for said return of said location [paragraphs 0013, 0014].

Regarding claim 19, Kaiwa discloses one of said service providers charges another of said service providers an access fee for said return of said location [paragraphs 0013, 0014].

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiwa and Rice in view of Herle.

Regarding claim 15, Kaiwa and Rice do not specifically disclose blocking of location is controlled by particular identification to allow location access to parties presenting the particular identification. However, Herle teaches this limitation

Art Unit: 2681

[paragraph 0036]. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include this feature to ensure the mobile user's privacy, as suggested by Herle [paragraph 0036].

Regarding claim 16, Herle discloses the particular identification is a PIN number [paragraph 0036].

Response to Arguments

8. Applicant's arguments with respect to claims 1-5, 7, 9, 10, and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pitt, US Patent Application Publication Number 2003/0187803, disclose location fidelity adjustment based on mobile subscriber privacy profile.

Moles et al., US Patent Number 6,505,048 disclose a location privacy feature for wireless mobile stations and method of operation.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
September 21, 2005


ERIKA A. GABY
PRIMARY EXAMINER